

459455



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

SEP 26 2002

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED &
SIMULTANEOUS FIRST CLASS MAIL

Clearview Land Development Company
c/o Richard Heller, President
312 Woodbridge Lane
Wallingford, PA 19086

James Asher Lynch, III, Esquire
Counsel for Richard Heller
66 W. Eagle Road
Havertown, PA 19083

Estate of Edward I. Heller
c/o Michael Eisler, Esq.
Straus & Eisler, P.A.
10081 Pines Blvd., Suite C
Pembroke Pines, FL 33024

Re: Lower Darby Creek Area Superfund Site, Operable Unit 1, Clearview Landfill
Delaware County, Pennsylvania
-General Notice of Potential Liability
-Notice of Federal Lien/Post-Perfection Opportunity to be Heard

Dear Messrs. Heller, Lynch and Eisler:

This letter serves as general notice of potential liability, as defined by Section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act, as amended ("CERCLA"), 42 U.S.C. § 9607(a), to the Estate of Edward I. Heller. Such notice was provided to Clearview Land Development Company on July 17, 2002, and to Richard Heller on June 11, 2002. This letter further serves as notice to Clearview Land Development Company, the Estate of Edward I. Heller and to Richard Heller (hereinafter referred to collectively as the "Clearview Entities") of the perfection of a lien that arose pursuant to Section 107(l) of CERCLA, 42 U.S.C. § 9607(l). The United States Environmental Protection Agency, Region III ("EPA" or "Agency") has documented the release or threatened release of hazardous substances, pollutants or contaminants at the Lower Darby Creek Area Superfund Site, Operable Unit One, a/k/a the Clearview Landfill ("Site").

NOTICE OF POTENTIAL LIABILITY

Where there is a release or threat of a release of a hazardous substance from a facility into the environment, EPA has authority to respond to the release under Section 104(a) of CERCLA, 42 U.S.C. § 9604(a). In order to respond to the release, EPA gathered information about the Site. EPA has evaluated this information and believes that you¹ are a potentially responsible party ("PRP"). Potentially responsible parties under Section 107(a) of CERCLA include persons who are the current owners and operators of a facility, owners and operators of a facility at the time of disposal of hazardous substances, as well as persons who arranged for disposal or treatment of hazardous substances sent to a facility, or persons who accepted hazardous substances for transport to the facility. Section 101(21) of CERCLA defines "person" to include, among other things, individuals, corporations and partnerships. 42 U.S.C. § 9601(21). Section 101(9) of CERCLA defines "facility" to include any site or area where a hazardous substance has been deposited, stored, disposed of, placed, or otherwise come to be located. 42 U.S.C. § 9601(9). Section 101(14) of CERCLA defines "hazardous substances" to include substances designated as hazardous in regulations promulgated pursuant to CERCLA. 42 U.S.C. § 9601(14).

Based on State and Federal records and/or other information, EPA has information indicating that Clearview Land Development Company ("Clearview"), Richard Heller and the Estate of Edward I. Heller are potentially responsible parties ("PRPs") pursuant to CERCLA. The Clearview Land Development Company, Richard Heller and the Estate of Edward I. Heller (hereinafter referred to as the "Clearview Entities") are the current owners and/or operators of the Site. The Clearview Entities are "persons" within the meaning of Section 101(21) of CERCLA. The Site is a "facility" as defined in Section 101(9) of CERCLA. EPA has determined that a release or threat of release of hazardous substances has occurred at the Site.

Specifically, EPA has reason to believe that Clearview Land Development Company was the Site owner and/or operator at the time hazardous substances were disposed. Clearview Land Development Company owned the Clearview Landfill which was operated by Edward I. Heller and/or Richard Heller during its operation as an illegal industrial waste landfill from 1958 through 1976. Edward I. Heller and Richard Heller continued to operate the Site subsequent to 1976.

The EPA has documented the release or threatened release of hazardous substances, pollutants or contaminants at or from the Site, as those terms are defined in Sections 101(14) and 101(33) of CERCLA, 42 U.S.C. §§ 9601(14) and (33). The United States has spent, or is considering spending, public funds on actions to investigate and control such releases or threatened releases at the Site. Unless EPA reaches an agreement under which a PRP or PRPs will properly perform or finance such actions, the United States may perform these actions pursuant to Section 104 of CERCLA, 42 U.S.C. § 9604, or require them to be performed by responsible parties under Section 106 of CERCLA, 42 U.S.C. § 9606.

¹For the purposes of this letter "you" or "your" shall refer to the Clearview Land Development Company and/or Richard Heller and/or the Estate of Edward I. Heller.

The United States may order PRPs, or any one of them, to perform response actions deemed necessary by the United States to protect the public health, welfare or the environment. Additionally, PRPs may be liable for all costs incurred by the government in responding to any release or threatened release at the Site, under Sections 104 and 107(a) of CERCLA, 42 U.S.C. §§ 9604 and 9607(a), and the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. §§ 6901 et seq., and other laws. Such actions and costs may include, but are not limited to, conducting a Remedial Investigation/Feasibility Study ("RI/FS"), and other investigation, planning, response, oversight, and enforcement activities related to the Site. In addition, potentially responsible parties may be required to pay for damages for injury to, destruction of, or loss of natural resources, including the cost of assessing the amount or extent of such damages related to a site.

You should also be aware that the Site has been listed on the National Priorities List ("NPL"). Once a site is placed on the NPL pursuant to Section 105 of CERCLA, 42 U.S.C. § 9605, it cannot be deleted until after an RI/FS has been completed and the necessary remedial action has been conducted in accordance with EPA guidance and the National Contingency Plan ("NCP"), published at 40 C.F.R. Part 300.

DECISION NOT TO USE SPECIAL NOTICE

Under CERCLA Section 122(e), 42 U.S.C. § 9622(e), EPA has the discretionary authority to invoke special notice procedures to negotiate formally the terms of an agreement between EPA and PRPs to conduct or finance response activities. Use of these special notice procedures triggers a moratorium on certain EPA activities at the Site while formal negotiations between EPA and the PRP or PRPs are conducted.

In this case, EPA has decided not to invoke Section 122(e) special notice procedures because use of such procedures is not practicable or in the public interest, nor would use of such procedures facilitate an agreement or expedite remedial action. In particular, EPA has not identified a sufficient number of PRPs who, individually or collectively, have the resources to begin or conduct response activities in the immediate future. EPA intends to conduct the Remedial Investigation and Feasibility Study ("RI/FS") for the Clearview Landfill portion of the Site. Nonetheless, EPA is willing to discuss settlement opportunities without invoking a moratorium.

NOTICE OF PERFECTION OF FEDERAL LIEN AND POST-PERFECTION OPPORTUNITY TO BE HEARD

This letter informs you that the United States Environmental Protection Agency has perfected a lien upon property located at or about 83rd and Buist Avenue, Delaware County, Pennsylvania the legal description of which is contained in Attachment 1 to this letter. The property comprises the Lower Darby Creek Area Superfund Site Operable Unit One ("Site") a/k/a the Clearview Landfill ("Clearview"). EPA has determined that you are the owners and/or operators of this property ("Property"). The lien which EPA has perfected against the Property arises under Section 107(1) of the Comprehensive Environmental Response, Compensation, and Liability Act

("CERCLA"), commonly known as "Superfund," 42 U.S.C. § 9607(l). The lien is intended to secure payment to the United States of costs and damages for which you, as the owner and/or operators of the Property, are liable to the United States under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).

Under CERCLA Sections 107(a) and 101(9), 42 U.S.C. §§ 9607(a) and 9601(9), liable persons include persons who own any "facility," including a site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located.

EPA has determined that a release or threat of release of hazardous substances pursuant to CERCLA Section 101(22), 42 U.S.C. § 101(22), has occurred at or from the Property. The Property is part of the Lower Darby Creek Area Superfund Site, at which hazardous substances came to be located, and is subject to or affected by a removal or remedial action. As the owners/operators of a facility, you are a person liable for all costs of response actions at the Site. Costs and damages include the costs incurred or to be incurred by the United States in responding to a release or threat of release at the Site.

The lien arising in favor of the United States on the Property continues until the liability for the costs is satisfied or until the liability for the costs becomes unenforceable through operation of the statute of limitations in CERCLA Section 113, 42 U.S.C. § 9613.

On June 11, 2002, and again on July 17, 2002, EPA notified Clearview Land Development Company by certified and then first class mail, as well as by hand delivery, and notified Richard Heller by certified mail on June 11, 2002, and by this letter notifies the Estate of Edward I. Heller, of your potential liability under CERCLA. You may satisfy the lien placed upon your property by paying all costs and damages for which you are liable. EPA has assembled a Lien Filing Record consisting of documents relating to its decision to perfect the lien. This record is kept at the following address, and may be reviewed and copied at reasonable times by contacting the following person:

Ms. Lydia Guy (3RC00)
Regional Hearing Clerk
US EPA
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029
(215) 814-2489

EPA has reviewed the information in the Lien Filing Record and believes that the Agency has a reasonable basis to believe that the statutory elements for perfecting a lien are satisfied. EPA has perfected its lien by filing a Notice of Lien with the Prothonotary of Delaware County, Pennsylvania and with the United States District Court for the Eastern District of Pennsylvania. EPA perfected its lien prior to offering you an Opportunity to be Heard by a neutral EPA official due in part to the imminent bar date for claims against the Estate of Edward I. Heller.

OPPORTUNITY TO BE HEARD

Any or all of the Clearview Entities may notify EPA in writing within twenty (20) calendar days from the date of this letter if they believe that EPA's information or determination is in error.

Any or all of the Clearview Entities may also request to appear before a neutral EPA official to present any information they have indicating that EPA does not have a reasonable basis to perfect a lien. The Clearview Entities should describe in their letter[s] or written request[s] the reasons for believing that EPA does not have a reasonable basis to perfect its lien, because EPA may, as described below, agree with the Clearview Entities' reasons and reconsider the perfection of the lien without a further review or meeting. Any written submissions or requests for a meeting should reference the Lower Darby Creek Area Superfund Site, Clearview Landfill, and be addressed to Brian Nishitani, Senior Assistant Regional Counsel, at U.S. EPA, 1650 Arch Street (3RC44), Philadelphia, Pennsylvania, 19103, and may include documents or information which support your contentions.

If, after review and consultation, EPA agrees that the Agency did not have a reasonable basis upon which to perfect a lien, EPA will release its lien, and will so notify you. If EPA disagrees, with the written submission, and a meeting has been requested, then EPA will refer the matter to the Regional Judicial and Presiding Officer (a neutral EPA official) for the purpose of reviewing the submission and conducting the meeting.

You may choose to attend this meeting via teleconference. The Agency will be represented by the Office of Regional Counsel. You may be represented by counsel at this meeting.


The meeting will be an informal hearing in which you may provide EPA with information as to why the Agency's assumptions require reconsideration. The meeting will not be conducted using rules of evidence or formal administrative or judicial procedures. The sole issue at the meeting would be whether EPA had a reasonable basis to perfect its lien based upon CERCLA Section 107(1), 42 U.S.C. § 9607(1).

After reviewing your written submissions, and/or conducting a meeting, the Neutral will issue a recommended decision based on the Meeting and the Lien Filing Record. The recommended decision will state whether EPA had a reasonable basis to perfect the lien and will be forwarded to the Agency official delegated the authority to execute liens for action. You will be notified, of the Agency's action (whether the lien will stay in place or be released) and furnished with a copy of the recommended decision.


Neither you nor EPA waives, or is prohibited from asserting, any claims or defenses in any subsequent legal or administrative proceeding by the submission of information, a request for and participation at a meeting, or issuance of a recommended decision by the neutral EPA official that EPA has a reasonable basis to file a lien.

If you have any questions pertaining to this letter, please contact Brian Nishitani, Senior Assistant Regional Counsel at (215) 814-2675.

Sincerely,



William C. Early
Regional Counsel



Abraham Ferdas, Director
Hazardous Sites Cleanup Division

Attachments

cc: with attachments

Estate of Edward I. Heller
c/o Barbara Heller Shapiro
43 Acacia Circle
Pompano Beach, FL 33071

Estate of Edward I. Heller
c/o Corinne Heller Fischman
900 Colony Point Circle
Hollywood, FL 33009

Brian Nishitani, Esq. (3RC44)

Carlyn Prisk (3HS11)

Kristine Matzko (3HS21)

Michael Frankel (3RC43)

This Indenture,

Made the 13th day of June in the year of our Lord one thousand nine hundred and fifty-eight (1958) BETWEEN MAX A. ROSENBERG And MINNIE, his wife and DELAWARE SALVAGE CO. (hereinafter called the Grantors) of one part AND CLEARVIEW LAND DEVELOPMENT COMPANY (hereinafter called the Grantee)

Witnesseth, That the said Grantors:

for and in consideration of the sum One Dollar (\$1.00)

lawful money of the United States of America, unto them well and truly paid by the said Grantee

at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged have granted, bargained, sold, aliened, enfeoffed, released and confirmed, and by these presents do bargain, sell, alien, enfeoff, release and confirm unto the said Grantee, its successors and assigns

Whereas, Arising

ALL THAT CERTAIN tract or parcel of ground, with buildings and improvements thereon erected, Situate in the Township of Darby, County of Delaware, State of Pennsylvania, as shown on the plan for Isidor Ostroff, made by Damon and Foster, Civil Engineers, Sharon Hill, Pennsylvania, dated June 24, 1957, being bounded and described as follows:

BEGINNING at a point the intersection of the centerline of 80th Street, as laid out (70 ft. D.S.) wide, with the centerline of Michens Avenue (50 ft. J.S.) wide, (not open); thence, extending along the center line of said Michens Avenue said centerline being the Darby Township, Delaware County, City of Philadelphia Line, S. 36 degrees 40 minutes 20 seconds W. 205.0 ft. (more or less) to a point in the Northeastly low water line of said Darby Creek Meandering northwestwardly and northeastwardly by its various courses and distances, 3404' More or less to a point; thence, leaving said Darby Creek and extending S. 36 degrees 40 minutes 20 seconds W., along the Darby Township-City of Philadelphia Line, (444.79 ft. more or less U.S.) (443.79 more or less D.S.) to a point in the centerline of said 80th Street; thence extending along the centerline of said 80th Street, said centerline being also the Darby Township-City of Philadelphia Line, S. 53 degrees 19 minutes 40 seconds E., (750.00 ft. U.S.) (151.44 ft. U.S.) to the first mentioned point or place of beginning.

BEING in part the same premises which Edward Lafferty and Elisabeth R. Lafferty granted and conveyed to the Delaware Salvage Company, a Pennsylvania Corporation by Deed dated February 7, 1956, which deed is recorded in the Office for the recording of Deeds in and for the County of Delaware, Commonwealth of Pennsylvania in Deed Book No. 1806, page 315. The said Delaware Salvage Company having filed a Declaration of Trust under date of November 1, 1957 where in it acknowledged that it held the said premises in trust for Max A. Rosenberg, which Declaration is recorded in the office for recording of Deeds in and for Delaware County, Pennsylvania in Deed Book 1882, page 600; Being also in part premises granted and conveyed by Forrester R. Scott and Mary Louise, his wife to Max A. Rosenberg by deed dated April 16, 1956 recorded in the Office for the recording of Deeds in and for Delaware County, Commonwealth of Pennsylvania, Deed Book 1921, page 258; Being also in part premises granted and conveyed by Edward A. Montgomery, singleman to Max A. Rosenberg by Deed dated November 6, 1951 and recorded in Deed Book 1920, page 393; Being also in part premises granted and conveyed by Luke Fisher and Nadia, his wife to the present Grantee, Clearview Land Development Company by deed dated - / -, recorded in the office for the recording of deeds in and for Delaware County, Commonwealth of Pennsylvania, deed Book 1894 page 340, Max Rosenberg one of the present grantors being the legal title holder to a portion of the aforesaid mentioned premises and Delaware Salvage Co. being the other legal title holder to the remainder of the aforesaid premises holding said premises in trust for Clearview Land Development Company.

And the said

these presents, covenants, grants and agree to and with, the said

Heirs, Executors and Administrators, Do

Hereditaments and Premises herein

described and granted, or mentioned and intended so to be, with the Appurtenances, unto the

Heirs, all and singular the

Heirs and Assigns, against the said

Heirs, and against all and every other Person Persons whomsoever

ever lawfully claiming or to claim the same or any part thereof.

shall and will

WARRANT and forever DEFEND

In Witness Whereof, the said

SEALED AND DELIVERED
IN THE PRESENCE OF US

Received the day of the date of the above Indenture of the above named grantee, Clearview Land Development Company.

Witness:

Flora M. Semberg.

Max A. Rosenberg
Minnie Rosenberg

Melvin Fischmann
President Delaware Salvage Co. (SEAL)
Corinne Fischmann

Secretary Delaware Salvage Co.

ON THE 18th day of June Anno Domini 1958 before me the subscriber A Notary Public personally appeared the above named Max A. Rosenberg AND Minnie Rosenberg, his wife and in due form of law acknowledged the above of foregoing INDENTURE to be their, each of their act and deed, and desired the same may be recorded as such.

Witness my hand and notarial seal the day and year aforesaid.

Flora M. Semberg (SEAL)
Notary Public
My Commission expires 1/2/59

COMMONWEALTH OF PENNSYLVANIA | SS:

On the 18th day of June, 1958 before me, the subscriber, a Notary Public for the Commonwealth of Pennsylvania, residing in Philadelphia, personally appeared Corinne Fischmann, Secretary of the said Delaware Salvage Co. (a Pennsylvania corporation) who being duly sworn according to law, says that he was personally present at the execution of the above Indenture, and saw the Common or Corporate Seal of the said Corporation; that the said Indenture was duly sealed and delivered by Melvin Fischmann, President of the said Corporation, as and for the act and deed of the said Corporation, for the uses and purposes therein mentioned, and that the names of this dependent as Secretary and of Melvin Fischmann as president of the said Corporation subscribed to the above Indenture in attestation of its due execution and delivery, are of their and each of their respective handwritings.

SWORN to and subscribed before me, the day and year aforesaid, witness my hand and notarial seal.

Corinne Fischmann

Mollie Peskin (SEAL)
Notary Public

I hereby certify that the previous address of within named Grantee 1913 Walnut St., Phila., Pa.

MY Commission expires July 7, 1961

Registered County of Delaware Feb. 16, 1959

DEED - 1884

346

Vol. 330

This Indenture,

Made the 27th day of August

in the year of our Lord one thousand nine hundred and fifty-eight (1958)

BETWEEN

LUKE M. FISHER and NAOLA, his wife, of the City of Philadelphia, State of Pennsylvania (hereinafter called the Grantors), of the one part,

AND

CARVIEW LAND DEVELOPMENT COMPANY, a Pennsylvania Corporation (hereinafter called the Grantee),

of the other part, WITNESSETH, that the said Grantors

for and in consideration of the sum of TWELVE HUNDRED (\$1200.00) DOLLARS

lawful money of the United States of America, unto them well and truly paid by the said Grantee

at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, have granted, bargained, sold, aliened, enfeoffed, released and confirmed, and by these presents do grant, bargain, sell, alien, enfeoff, release and confirm unto the said Grantee, its Successors, Heirs and Assigns,

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected SITUATE in the Township of Darby, County of Delaware, Commonwealth of Pennsylvania, and described according to a Survey and Plan thereof made by Jamon and Foster, Civil Engineers on the 11th day of August, A.D. 1937, as follows, to wit:

BEGINNING at a point on the Southwesterly side of Eightieth Street (Seventy and fourteen one-hundredths feet wide) at the distance of Fifty and five-tenths feet measured Southeastwardly from the Southeastery side of Avenue "C" (Fifty and one-tenth feet wide);

CONTAINING in front or breadth on the said Eightieth Street Fifty and one-tenth feet and extending of that width in length or depth Southeastwardly between parallel lines at right angles to Eightieth Street One-hundred twenty-five and twenty-five one-hundredths feet.

BEING the same premises which Frank A. Snear, Jr., Sheriff Delaware County by Indenture bearing date the 11th day of October, A.D. 1956, and recorded in the Office for the Recording of Deeds in Delaware County in Deed Book No. 1420, Page 574, do., granted and conveyed unto Luke M. Fisher, in fee.

UNDER AND SUBJECT, nevertheless, to certain restrictions of record.
AND

VALUE OF PREMISES AS DETERMINED BY ORDINANCE
IS \$1200.00 AND TAX PAID ON SUCH VALUE
COMMONWEALTH LAND TITLE INSURANCE COMPANY
By Marie Gallagher

Commonwealth of U. S. Stamps
Penna. Stamps \$ 1.65
\$ 12.00

The state stamps affixed represents
tax in full consideration including
licens and encumbrances.

Together with all and singular improvements, ways, streets, alleys, passages,
 IV. Water-Courses, Right, Liberties, Privileges, Hereditaments and Appurtenances whatsoever thereto belonging, or in any wise
 appertaining, and the Reversions and Remainders, Rents, Issues and Profits thereof, and all the estate, right, title, interest, property,
 claim and demand whatsoever, of the said Grantors,

in law, equity, or otherwise howsoever, of, in and to the same and every part thereof

To Have and to Hold the said lot or piece of ground above described

with the Appurtenances Hereditaments and premises hereby granted, or mentioned and intended so to be,
 unto the said Grantee, its Successors
 Heirs and Assigns, to and for the only proper use and behoof of the said Grantee, its Successors,
 Heirs and Assigns forever.

UNDER AND SUBJECT as aforesaid

And the said Grantors, for themselves, their

Heirs, Executors and Administrators, DO by
 these presents covenant, grant and agree, to and with the said Grantee, its Successors
 Heirs and Assigns, that they the said Grantors, their

Heirs, all and singular the
 Hereditaments and Premises herein described and granted, or mentioned and intended so to be, with the Appur-
 tenances unto the said Grantee, its Successors tances and Assigns,
 against them the said Grantors, their
 Heirs, and against all and every other person and persons whomsoever lawfully claiming, or to claim the same, or any part thereof, by, from
 or under him, her, them or any of them, shall and

will SUBJECT AS AFORESAID. WARRANT and forever DEFEND.
 In Witness Whereof, the said Parties of the first part to these presents have hereunto set
 their hands and seals.

Dated the day and year first above written.

SIGNED, SEALED AND DELIVERED
 IN THE PRESENCE OF US:

Max A. Rosenberg
 Edward D. Bean

Luke M. Fisher

Nadia Fisher

Received on the day of the date of the above Indenture, of the above named Indenture of the above-named Grantee the
 full consideration money hereinbefore mentioned.

WITNESS AT SIGNING:

Max A. Rosenberg

Luke M. Fisher

Nadia Fisher

On the 27th day of August Anno Domini 1958, before me, the Subscriber,

personally appeared the above-named Luke M. Fisher and Nadia Fisher, his wife,

and in due form of law acknowledged the above Indenture to be their, each of their act and deed, and
 desired the same might be recorded as such;

WITNESS my hand and Notarial seal the day and year aforesaid.

The residence of the within-named
 Grantee is:

1913 Walnut St., Phila., Pa.
 MAX A. Rosenberg
 On Behalf of said Grantee

Edward D. Bean
 Upper Darby Twp., Del. Co. Notary Public.

My commission expires May 20, 1961

Lower Darby Creek Area Superfund Site
Operable Unit 1
Lien Filing Record Index

Property Documents

- 1) Indenture between Luke M. Fisher and Nadia, his wife, and Clearview Land Development Company, Volume 330, Pages 340-341, Delaware County, Pennsylvania, Recorder of Deeds, dated August 28, 1958.
- 2) Indenture between Max A. Rosenberg, Minnie, his wife, and Delaware Salvage Company and Clearview Land Development Company, Volume 505, Pages 385-387, Delaware County, Pennsylvania, Recorder of Deeds, dated June 13, 1958.
- 3) Aerial Photograph of Lower Darby Creek Area Superfund Site, with Clearview Landfill, Folcroft Landfill and Folcroft Annex identified. Prepared by Tetra Tech.
- 4) Map of the Lower Darby Creek Area Superfund Site, with Clearview Landfill and Folcroft Landfill and Annex identified. Prepared by Tetra Tech.
- 5) Parcel Map 15-10-001:000 of the Clearview Landfill property, folio number 15-00-00972-00.

Cost Documents

- 6) U.S. EPA Itemized Cost Summary Report, Lower Darby Creek Area Superfund Site ID=D3 66, dated August 15, 2002.
- 7) Memorandum from Kristine Matzko, Remedial Project Manager ("RPM"), U.S. EPA, to Brian Nishitani, Senior Assistant Regional Counsel, U.S. EPA, Re: Estimate of Future Costs, dated August 27, 2002..
- 8) Memorandum from Joan Armstrong, Chief, PRP Investigation and Site Information Section, U.S. EPA, to Margaret Hottensen, Chief, Site Remediation Branch IV, U.S. EPA, Re: Request to File Superfund Lien, dated September 12, 2002.

Liability Documents

- 9) Letter from Abraham Ferdas, Director, Hazardous Site Cleanup Division, U.S. EPA, to Clearview Land Development Company, Re: Notice of Potential Liability and Notice of Decision Not to Use Special Notice Procedures, dated June 11, 2002.

- 10) Affidavit of Harry R. Steinmetz, dated July 23, 2002 attesting to the hand delivery of the June 11, 2002, Notice of Potential Liability and Notice of Decision Not to Use Special Notice Procedures for Remedial Investigation/Feasibility Study and attached Receipt of delivery of June 11, 2002, Notice of Potential Liability and Notice of Decision Not to Use Special Notice Procedures for Remedial Investigation/Feasibility Study, signed July 17, 2002.
- 11) Letter from Abraham Ferdas, Director, Hazardous Site Cleanup Division, U.S. EPA, to Richard Heller, Re: Notice of Potential Liability and Notice of Decision Not to Use Special Notice Procedures, dated June 11, 2002.
- 12) EPA and Pennsylvania Department of Environmental Protection, Site Inspection Report for the Clearview Landfill, 1982.
- 13) Letter from James Asher Lynch, III, Counsel for Richard Heller, to Joan Armstrong,, U.S. EPA, Re: Response to Request for Information Pursuant to 42 U.S.C 9604(e), dated July 22, 2002.
- 14) NUS, Site Inspection of Clearview Landfill, June 7, 1984.
- 15) Clearview Landfill Follow-Up Inspection, November 5, 1984.
- 16) Roy F. Weston, Inc. Sampling Trip Report, Lower Darby Creek Area. Delaware and Philadelphia Counties, PA, August 17, 1999.
- 17) NPL Listing Package for the Lower Darby Creek Area, Delaware and Philadelphia Counties, Pennsylvania, June 2001.
- 18) Federal Register, Volume 66, Pages 32235-32242.